

**MINUTES**  
**COLUMBUS BOARD OF ZONING APPEALS**  
**May 23, 2006**  
**COUNCIL CHAMBERS, 2<sup>nd</sup> FLOOR, CITY HALL**  
**123 WASHINGTON STREET**  
**COLUMBUS, INDIANA**

**Members Present:** Patricia Zeigler, Chairperson; Karen Dugan, Secretary; and Lou Marr

**Staff Present:** Laura Thayer, Assistant Planning Director; Thom Weintraut, Associate Planner; Alan Whitted, Deputy City Attorney; Stephanie Carr, Code Enforcement; and Brian Thompson, Chief Code Enforcement Officer

Patricia Zeigler, Chairperson, opened the meeting with a brief explanation about the Board and its responsibilities.

Proof of advertising for all cases was confirmed. The petitions and staff comments are a permanent record at the Planning Department.

Alan Whitted, Deputy City Attorney, administered the oath to all in attendance that would be speaking.

**DOCKET C/DS-06-02: WILLIAM AIMERS**

**William Aimers is requesting approval to allow fewer parking than is required for a general office use in the B-2 (Community Business) district. The property is located at 1001-1003 Washington Street in the City of Columbus.**

William Aimers stated his name and address for the record.

Ms. Thayer went over the staff report from the last hearing. Ms. Thayer said that Dr. Aimers is asking approval for two fewer parking spaces than would be normally required for the use. She said that Dr. Aimers was renting the rear portion of the building to an electrician who plans to file for a use variance to be able to use that space for storage. The electrician will need one parking space.

Mr. Aimers presented his case into the record.

The meeting was open to the public.

There was no public comment.

The meeting was closed to the public.

There was a brief discussion on the parking. Dr. Aimers stated he did not think there would be a problem.

Lou Marr made a motion to approve **C/DS-06-02**, accepting staffs findings of fact for Criterion 3 and 4. She said that the approval would not be injurious to the public health and safety because there is not a traffic problem in that area. She said that the value of the adjacent property would be enhanced by the improvement of Dr. Aimer's property. She said that the variance is in harmony with the general spirit, purpose and intent of the Columbus Zoning Ordinance and is the interest of substantial justice being done. She stated that the conditions would be that the petitioner shall submit a certified site plan showing areas designated for office and storage, and that there shall be no more than two office spaces, each with no more than 905 square feet of usable floor area.

Patricia Zeigler seconded the motion.

The motion failed with a vote of 2-1, with Karen Dugan being the dissenting vote.

Ms. Dugan said the problem she had was she wanted more information about the traffic on 10<sup>th</sup> street.

Ms. Thayer stated that staff's findings represented a cautious statement, but that the City Engineer's office did not have a problem with the parking on 10<sup>th</sup> Street.

Ms. Dugan said that if the City Engineers office did not have a concern about the traffic, that she would be satisfied with that.

Lou Marr made a new motion to approve **C/DS-06-02** with the staff's findings of fact as well as her findings of fact as presented earlier.

Patricia Zeigler seconded the motion. The motion was approved unanimously.

#### **DOCKET C/DS-06-04 MIKE MULLETT**

**Mike Mullett is requesting a variance to allow an accessory structure to encroach into the required side building setback line. The property is located at 723 Lafayette Street in the City of Columbus.**

Mike Mullett and David Bain stated their names for the record.

Ms. Thayer read the background along with the findings of fact into the record.

Mr. Mullett presented his case. Pictures of the property were shown.

There was some discussion about how high the proposed accessory building would be.

Ms. Thayer said that the only request the Board has to consider at this point is the setback issue. If the height of the building does turn out to be a problem, the petitioner would have to return to the Board for another developmental standards variance.

Brian Thompson clarified that the height of the accessory building as proposed was compliant with the Zoning Ordinance.

There was a lengthy discussion about the building setback standards.

The meeting was open to the public.

There was no public comment.

The meeting was then closed to the public.

Ms. Dugan asked Mr. Mullett if he was not willing to move the rear setback five feet from the alley to the overhang.

Mr. Mullett replied he would need to talk to his wife about that first before he made that decision. He said that he had intended the proposal to be for a setback variance from both the side and rear lot lines. He also said it was not clear to him that it required two variances.

Ms. Thayer said that he did not need two variances, but that the variance to encroach in the rear setback was not advertised. She said that if a setback from the rear property line is desired, the case would need to be re-advertised.

Lou Marr moved to continue **C/DS-06-04**. The motion was seconded by Karen Dugan. The motion carried unanimously.

## **FINDINGS OF FACT**

The following findings of fact were presented to the board for consideration:

**C/DS-06-03: Ronnie & Debra Forrest** - Lou Marr made a motion to accept the findings, as presented. The motion was seconded by Karen Dugan, and passed 3-0.

**C/UV-06-01: Homestead 1865** - Karen Dugan made a motion to accept the findings, as presented. The motion was seconded by Lou Marr, and passed 3-0.

## **APPROVAL OF MINUTES**

Upon the motion made by Karen Dugan and seconded by Lou Marr, the minutes of the meeting of April 17, 2006 were approved unanimously.

**DISCUSSION ITEMS:**

**C/DS-05-07: MARIAH FOOD**

Ms. Zeigler read a letter submitted by Jerry Hancock giving evidence of their progress toward flood proofing their structure. The action was a condition of their original approval for a variance of the flood protection requirements of the Columbus Zoning Ordinance on May 23, 2005. The property is located at 1333 Indiana Avenue in the City of Columbus.

Ms. Zeigler asked that a letter be sent to Mariah foods to let them know that they had accepted explanations for conditions 1 and 2. Representatives of the company will attend a future meeting of the Board to report on the progress for the third condition.

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Patricia Zeigler, Chairperson

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Karen Dugan, Secretary